REMARKS

Status of the Claims

Claims 4 and 6-11 will be pending in the above-identified application upon entry of the present amendment. Claims 2-3 have been cancelled herein. Claims 7-11 have been amended to change the dependency of the claim. Support for additional recitations in claim 4 can be found in Table 5 on page 11 of the present specification (Examples A and B). Thus, no new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 102

Claims 4, 6-8, and 10-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Freeman et al. '115 (EP 0304115) as further explained by O'Brien. Applicants respectfully traverse. Reconsideration and withdrawal of this rejection are respectfully requested based on the following considerations.

Legal Standard for Determining Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Distinctions over the Cited References

As amended, independent claim 4 recites:

> A fat or oil composition comprising:
> oleic acid of 15.2~27.0 parts by weight;
> linoleic acid of 24.0~42.5 parts by weight; and
> linolenic acid of 0.9~1.6 parts by weight per one part by weight of long-chain highly unsaturated fatty acids.

As such, the ranges are outside the ratios of the oil blends disclosed in Freeman et al. '115.

Should the Examiner argue that the pending claims are still obvious in view of Freeman et al. '115, Applicants respectfully traverse. Table 6 of the present specification demonstrates that the inventive Examples A and B provide unexpectedly superior results over Comparative Examples 1-5 and D as well as Examples 1-2 and C, which are now comparative examples in view of the amendment to claim 4. In this regard, Applicants respectfully submit that the present invention has achieved unexpected results, whereby such results rebut any asserted *prima facie* case of obviousness. *See In re Corkill*, 711 F.2d 1496, 226 USPQ 1005 (Fed. Cir. 1985).

Accordingly, the present invention is not anticipated by Freeman et al. '115 since the reference does not teach or provide for each of the limitations recited in the pending claims.

For completeness, Applicants also respectfully submit that Freeman et al. '115 do not render the present invention obvious because neither the reference nor the knowledge in the art provides any disclosure, reason, or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed.

Issues under 35 U.S.C. § 103(a)

1) Claims 2-3, 7-8, and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman et al. '115 as further explained by O'Brien.

2) Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman et al. '115 as further explained by O'Brien in view of Motoharu et al. '420 (JP 11-299420).

Independent claims 2-3 have been canceled herein, and claims 7-11 no longer depend on claim 2. As such, these rejections have been rendered moot. Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case clearly indicating that each of claims 4 and 6-11 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____
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